

Application No.: 09/144,635

Docket No.: (00-VE14.10)

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-61 are currently pending. Claims 1-13, 17-29, 33, and 46 stand rejected by the Office Action. Claims 14-16, 30-32, 34-36, 47, and 49-52 are objected to by the Office Action. Claims 37-45, 48, and 53-61 are in allowable form. No new matter has been added.

I. Formal Matters.

1. Applicants graciously thank the Examiner for indicating the allowance of Claims 37-45, 48, and 53-61.
2. Applicants thank the Examiner for indicating that dependant Claims 14-16, 30-32, 34-36, and 47 would be allowable if rewritten in independent form including all of the limitations of the base Claim and any intervening Claims.
3. Although not clearly indicated on page 5, sub-section 4 of the Office Action directed to "Allowable Subject Matter," the Office Action Summary Page indicates that previously added Claims 49-52 are objected to. In view of this, and the fact that Claims 49-52 are not rejected, Applicant assumes that the Office Action indicates that dependant Claims 49-52 would be allowable if rewritten in independent form including all of the limitations of the base Claim and any intervening Claims.

II. The Claims Define Patentable Subject Matter.

1. Claims 1, 5-7, 10-13, 17-18, 20, 22-27, 33, and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,314,102 to Czerwicz et al. ("Czerwicz"). Applicants respectfully traverse this rejection. In addition to the remarks presented below, Applicant reasserts arguments presented in the previous amendment dated 1/27/2003.

Applicant respectfully points to the following recitations of the present invention that claims:

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a. requesting from a customer premises terminal via a local link to a line unit and telephone network switch in a switched telephone network a communication path to a destination;

b. detecting, via a monitor, that the requesting step does not seek conversion in said line unit;

See: Independent Claim 1.

b. detecting, via a monitor, that the request seeks bandwidth in excess of that available through said line unit;

See: Independent Claim 18.

b. making a determination, via a monitor, regarding a pre-established characteristic of said signal;

See: Independent Claim 27.

a monitor means for detecting a request for a broadband service and in response controlling the switch to connect the local link to the second port.

See: Independent Claim 46.

In view of the teachings of the present invention, Czerwiec does not disclose a monitor or signal detector integrated with a line unit/card (see: Figure 3, elements 21 and 22; page 15, line 20 – page 19, line 3 of Applicants' originally-filed specification). At best, the only teaching of any type of monitor in Czerwiec can be located at col. 19, lines 19-22, which teaches that "an on-board controller (OBC)...handle(s) a variety of tasks, such as initialization of ASICs, monitoring and processing of maintenance messages, and detection of a malfunctioning LT," and at col. 21, lines 4-7, which teaches that "an I960 microprocessor is included to handle a variety of tasks, such as initialization of ASICs, memories, etc., monitoring and processing of the maintenance messages, on-line/off-line test support."

After reviewing Czerwiec's specification in great detail, Applicant can not locate anything related to how an OBC or I960 microprocessor can utilize a monitor, let alone utilize a monitor in reference to the claimed requesting step. Czerwiec discusses the operation of the OBC at col. 22, line 42 – col. 23, line 25 and does not mention anything directed towards a

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monitor, monitoring, or what *specific maintenance message* are being monitored. Even further, Applicants can not locate how Czerwiec's computer terminal 76 of Figure 2 requests anything, let alone a communication path to a destination to permit initiation of the claimed monitor detecting steps as recited by the claimed invention.

For at least these reasons, independent Claims 1, 18, 27 and 46 are allowable over the applied art. Claims 5-7, 10-13, 17, Claims 20, 22-26, Claim 33, and Claim 46, which depend from Claims 1, 18, 27, and 46, respectively, are also allowable over the applied art. Withdrawal of the rejection is respectfully requested.

2. Claims 2-4, 8-9, 19, 21, and 28-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Czerwiec in view of AT&T (Lucent) System Description 235-100-125 September, 1995, which is instant prior art ("IPA") provided by the Applicants, as cited at page 6, line 9 of the Applicants' originally filed specification. Applicants respectfully traverse this rejection.

Applicants agree with the Office Action that Czerwiec does not disclose or suggest "*said portion of said line comprising a concentrator of said line unit, as in claims 2, 19; said converter comprising CODEC, as in claim 3; said concentrator includes a switching system, as in claims 4, 21; said switching system comprising GDX cross point switching, as in claim 8; said switching system comprising cross point switching, as in claims 9, 28; said cross-point switching is performed in a line unit in said network, as in claim 29.*" See: page 6, lines 4-9 of the Office Action.

Applicants also respectfully submit that the IPA does not disclose or suggest a monitor or signal detector integrated with the line unit/card. Because the combination of Czerwiec and the IPA does not disclose, teach, or suggest the claimed monitor as recited in independent base Claims 1, 18, or 27, the Office Action fails to establish a prima facie case of obviousness (See MPEP §2143). For at least this reason, Claims 1, 18, and 27 are allowable over the applied art. Claims 2-4, 8-9, Claims 19, 21, and Claims 28-29, which depend from Claims 1, 18, and 27, respectively, are also allowable over the applied art for at least the reasons explained above in Section II, sub-section 1. Withdrawal of the rejection is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-2347.

Dated: April 20, 2004

Respectfully submitted,

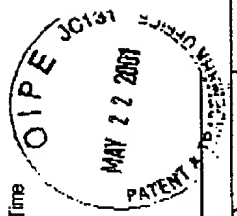
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Applicant: <u>Dale L. BARTHOLOMEW, et al.</u>		Docket No. <u>50107-397</u>	
Title/Mark: <u>SELECTIVE BANDWIDTH CONNECTIVITY THROUGH NETWORK LINE CARDS</u>		Serial/Reg./Patent No. <u>09/144,635</u>	
Date Sent: <input type="checkbox"/>	Transmittal Letter <input type="checkbox"/>	Hand Carried <input type="checkbox"/>	Fax <input type="checkbox"/>
<input type="checkbox"/>	New Patent App <input type="checkbox"/>	Utility <input type="checkbox"/>	Design <input type="checkbox"/>
<input type="checkbox"/>	Other: _____	Cont. <input type="checkbox"/>	CIP <input type="checkbox"/>
_____	pages of Specification _____	Div. <input type="checkbox"/>	PCA <input type="checkbox"/>
_____	pages of Claims _____	CPA <input type="checkbox"/>	RCE <input type="checkbox"/>
_____	pages of Abstract _____	Trademark/Service Mark/Intent-To-Use Application <input type="checkbox"/>	Provisional <input type="checkbox"/>
_____	pages of Formal/Informal Drawings _____	Amendment to Allega Use <input type="checkbox"/>	Statement of Use <input type="checkbox"/>
<input type="checkbox"/>	Information Disclosure Statement _____	Formal/Informal/Supplemental Drawing Sheet _____	
_____	Form PTO 1449 _____	(no. of Substituted Specimens) _____	
_____	copies of cited references _____	Continued Use Affidavit/Declaration (Section 8 & 15) <input type="checkbox"/>	
<input type="checkbox"/>	Preliminary Amendment _____	Notice of Opposition/Answer to _____	
<input type="checkbox"/>	Response to Missing Parts Notice _____	Ex Parte Appeal <input type="checkbox"/>	
<input type="checkbox"/>	Certified Copy of Priority Doc _____	Petition for Cancellation/Answer To _____	
<input type="checkbox"/>	Claim for Convention Priority _____	Renewal of Reg. No. <input type="checkbox"/>	
<input type="checkbox"/>	Verified Statement of Small Entity Status _____	Combined Declaration/Power of Attorney <input type="checkbox"/>	
<input type="checkbox"/>	Transmittal of Issue Fee _____	Letter of Protest <input type="checkbox"/>	
<input type="checkbox"/>	Maintenance Fee for _____ years after grant _____	Request for _____-day/month Extension of Time <input type="checkbox"/>	
<input type="checkbox"/>	Notice of Appeal <input type="checkbox"/>	Request for Non-Publication <input type="checkbox"/>	
<input type="checkbox"/>	Recordation of _____ Patent _____		
<input type="checkbox"/>	Response/Amendment to Office Action of _____		
<input checked="" type="checkbox"/>	Other: <u>Associate Power of Attorney and Change of Address</u>		

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CMS Description: _____

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS CHECKED ABOVE WERE RECEIVED BY THE PTO ON THE DATE STAMPED.